

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Paul Mills	Art Unit :	3721
Serial No. :	09/728,395	Examiner :	John Roger Paradiso
Filed :	December 1, 2000	Conf. No. :	3395
Title :	PACKAGING CONTROL WITH TRANSLATION OF COMMAND PROTOCOLS		

Mail Stop Appeal Brief - Patents

Commissioner for Patents

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REPLY BRIEF

Pursuant to 37 C.F.R. § 41.41, Appellant responds to the Examiner's Answer as follows.

Claim 1

Claim 1 requires in part:

"... each of the connecting means of the connected components including means to translate data bus commands appropriate to that component into, a command protocol which is read by the connected component which responds by performing a productive function, whereby the control means is able to control each of the connected components independent of command protocols recognized by the connected components."

The Examiner acknowledges that Komiya does not specifically disclose a data bus that transmits signals and translations of commands from a controller to peripheral units¹, but contends that the limitations of Claim 1 are inherently disclosed by Komiya.

As the Appellant understands it, the Examiner appears to contend that because Komiya discloses peripheral units connected to a controller, Komiya inherently discloses a protocol for interpreting commands from the controller to the peripheral units. The Examiner also appears to contend that, because Komiya inherently discloses a protocol for interpreting commands from the controller, Komiya inherently discloses means to translate data bus commands appropriate to that component into a command protocol which is read by the connected component, as recited in claim 1.

¹ Page 4 of Examiner's Answer.

The Appellant respectfully disagrees. As stated in Appellant's Appeal Brief², the passages of Komiya at columns 4-6 and 9-12 and figures 1, 2, and 19 merely describe how a controller controls various mechanisms and patterns and how computer 66 controls various process controllers (e.g., 68a to 68c). Komiya does not mention translation of data bus commands. As stated in the Rule 132 Declaration of Paul Mills, filed on May 27, 2004, Komiya's system does not explicitly describe the "means to translate" of Claim 1, and there is no reason to assume from what is said in Komiya that the system described in Komiya would have the "means to translate" of Claim 1³.

Having a protocol for interpreting commands is different from having a translation means for translating data bus commands. Even if Komiya may inherently disclose a protocol for interpreting commands from the computer 66 to the process controllers (e.g., 68a-68c), that does not mean Komiya's system inherently includes a means to translate data bus commands appropriate to that component into a command protocol which is read by the connected component. For example, Komiya's process controllers and the computer 66 may comply with a common protocol so that there is no need for translation of data bus commands. Even if translation of data bus commands is needed, the translation may occur internally at the computer 66 or at the process controllers (e.g., 68a-68c). Komiya does not suggest that translation of data bus commands is performed by a connecting means that includes a means to translate data bus commands, much less commands appropriate to that component into a command protocol which is read by the connected component.

The Examiner contends that Komiya's system and our desktop PC would not work if they do not inherently include a data bus to transfer commands and a protocol for interpreting those commands⁴. The Examiner appears to imply that Komiya's system and our desktop PC would not work if they do not inherently include the connecting means and translation means of claim 1. The Appellant notes that, often, when a new printer bought from the market is connected to an old computer, the computer would not be able

² Page 6 of Appellant's Appeal Brief.

³ Paragraphs 7 and 10 of Mills Declaration.

⁴ Page 7 of the Examiner's Answer.

to control the printer. A printer driver software has to be installed in the computer to enable the computer to send data bus commands according to a command protocol that can be accepted by the printer. After the printer driver is installed in the computer, there is no need for a connecting means including means for translating data bus commands. Thus, the fact that Komiya's system and our desktop PC can function properly is irrelevant to the issue of whether the "connecting means including means for translating data bus commands" of Claim 1 is inherently disclosed by Komiya.

Claims 2-13

Claims 2-13 depend directly or indirectly on claim 1 and are patentable for at least the same reasons as those applied to claim 1.

For these reasons, and the reasons stated in the Appeal Brief, the Appellant submits that the final rejection should be reversed.

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Respectfully submitted,

Date: January 29, 2007 _____

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